

On June 27 and September 7, 1934, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court informations against Raab's Blue Ribbon Products, Inc., a corporation, Williamstown, N. J., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of August 14, 1933, and October 10, 1933, from the State of New Jersey into the State of Pennsylvania of quantities of tomato catsup that was adulterated, and of a quantity of the same product that was misbranded. The article was labeled in part, variously: "Blue Ribbon Brand Tomato Catsup * * * Raab's Blue Ribbon Products Incorporated. Williamstown, N. J."; "Ensslen's Brand Tomato Catsup Rudolph Ensslen Sons * * * Reading, Pa."; "Aunt Ann's Catsup * * * prepared for Davies-Strauss-Stauffer Co., Allentown-Easton-East Stroudsburg, Pa." One shipment of the Blue Ribbon brand was contained in jugs with the statement "One Gallon" blown in the jug, and the statement "Contents 14 ozs." printed on the label.

Adulteration of the article in all shipments, with one exception, was alleged in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged with respect to one shipment for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents was more than 14 ounces, the amount printed on the label, and was less than 1 gallon, the amount blown in the jug.

On November 19, 1934, pleas of guilty to both informations were entered on behalf of the defendant company, and the court imposed fines totaling \$15.

M. L. WILSON, *Acting Secretary of Agriculture.*

24016. Adulteration and misbranding of tomato paste. U. S. v. 172 Cases, et al., of Tomato Paste. Decrees of condemnation and forfeiture. Portion of product released under bond; remainder destroyed. (F. & D. nos. 33099, 33138, 33139, 33140. Sample nos. 3976-B, 4122-B.)

These cases involved a product which was represented to be tomato paste, but which was found to consist of a strained tomato product insufficiently concentrated to be designated as tomato paste.

On July 20, 27, and 30, 1934, the United States attorneys for the Eastern and Western Districts of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 255 cases of tomato paste in various lots at Plaquemine, New Iberia, and Abbeville, La., alleging that the article had been shipped in interstate commerce, in part on or about June 26, 1934, and in part on or about July 11, 1934, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Conco Brand Tomato Paste * * * Conserva Di Pomodoro Packed for Consolidated Companies Inc. Plaquemine La."

The article was alleged to be adulterated in that an insufficiently concentrated, strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to portions of the product for the reason that the statements, "Tomato Paste" and "Conserva Di Pomodoro", were false and misleading and tended to deceive and mislead the purchaser.

On November 19, 1934, the Uddo-Taormina Corporation having appeared as claimant for the lots libeled in the Eastern District of Louisiana, and having admitted the allegations of the said libels, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it be properly relabeled. On January 7, 1935, no claimant having appeared for the lot libeled in the Western District of Louisiana, judgment of condemnation was entered, and it was ordered that the said lot be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24017. Misbranding of peanut butter. U. S. v. 9½ Dozen Jars and 9½ Dozen Jars of Peanut Butter. Default decrees of condemnation and destruction. (F. & D. nos. 33174, 33297. Sample nos. 6591-B, 6976-B.)

Sample jars of peanut butter taken from the two shipments involved in these cases were found to contain less than the declared weight. In one of the lots the quantity of the contents was not properly declared, since the label bore

the statement "32 Oz.", whereas the weight should have been declared in pounds, the largest unit.

On or about August 8 and August 24, 1934, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 19 dozen jars of peanut butter, in part at New Haven, Conn., and in part at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce, on or about June 20 and July 24, 1934, by the Williamson Candy Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Merco Peanut Butter Contents 32 Oz. Packed for Merchants Provision Co., New Haven, Conn." The remainder was labeled: "Park City Brand Peanut Butter Net Wgt. 2 Pounds Reliable Coffee Co., Inc. Distributors, Bridgeport, Conn."

The article was alleged to be misbranded in that the statements, "Contents 32 Oz." and "Net Wgt. 2 Pounds", on the labels, were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect, and in the lot labeled "Contents 32 Oz.", the quantity of the contents was not declared in terms of the largest unit.

On December 5, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24018. Misbranding of canned tomatoes. U. S. v. 134 Cases, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture. Portion of product released under bond to be relabeled. Remainder destroyed. (F. & D. nos. 33086, 33283, 33284. Sample nos. 66522-A, 66523-A, 4125-B.)

These cases were based on interstate shipments of canned tomatoes which fell below the standard established by this Department, because of excessive peel and poor color, and which were not labeled to indicate that they were sub-standard.

On July 16, July 23, and August 22, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 573½ cases of canned tomatoes in various lots at Baton Rouge, New Orleans, Morgan City, Thibodaux, and Franklin, La. On August 22, 1934, a libel was filed in the Western District of Louisiana against 18 cases of canned tomatoes at Opelousas, La. The libels alleged that the said article had been shipped in interstate commerce in part on or about June 22, 1934, and in part on or about July 10, 1934, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Orla Brand Tomatoes * * * Distributed by the Uddo-Taormina Corporation."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of excessive peel and poor color, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On November 19, 1934, the Uddo-Taormina Corporation having appeared as claimant for the lots libeled at Baton Rouge and New Orleans, and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the said lots be released under bond, conditioned that they be relabeled under the supervision of this Department. On December 7, 1934, and January 7, 1935, no claim having been entered for the lots covered by the remaining cases, judgments of condemnation were entered and it was ordered that they be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24019. Adulteration of canned shrimp. U. S. v. 1,235 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 33534. Sample no. 4021-B.)

This case involved an interstate shipment of canned shrimp which was found to be in part decomposed.

On September 24, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the dis-